

Message Text

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PAGE 01 GABORO 00136 131658Z
ACTION L-03

INFO OCT-01 AF-08 ISO-00 CPR-01 SSO-00 /013 W
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O R 131345Z JAN 77
FM AMEMBASSY GABORONE
TO SECSTATE WASHDC IMMEDIATE 9292
INFO AMEMBASSH MASERU

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FOR LEGAL ADVISOR

E.O. 11652: N/A
TAGS: PFOR, PDIP, US, BC
SUBJECT: REQUEST FOR WAIVER OF DIPLOMATIC IMMUNITY

1. EMBASSY CALLED JANUARY 13 BY GOB OFFICE OF ATTORNEY-GENERAL.
THEY PLAN BRING IMPORTANT FRAUD CASE TO TRAIL ON MONDAY AND REQUEST
APPEARANCE OF AMIN. OFFICER HOOPER IN COURT THAT DATE. ONLY
THING EXPECTED OF HOOPER IS HIS DENIAL THAT THE ACCUSED CAME TO
EMBASSY CONCERNING CASE IN QUESTION AND THAT NO WRITTEN OR ORAL
AGREEMENTS EXIST BETWEEN EMBASSY AND ACCUSED.

2. GOB'S CASE: HENRY JOSEPH JACOB SROUR (LEBANESE) AND
SIRRAJUDDIN BARAMIYA ABDULLA (MOBSWANA) ARE ACCUSED OF
OBTAINING (ON JUNE 25, 1976) P8000 (NEARLY \$10,000) BY FALSE
PRETENSES FROM ONE MRS. PHOLO. THEY HAD TOLD MRS. PHOLO THAT
THEY WERE BUYING A HOUSE IN EXTENSION 11, GABORONE, WHICH IN
TURN WOULD BE RENTED TO U.S. EMBASSY. THEY SAID THEY NEEDED
P8000 TO MAKE UP BALANCE OF DEPOSIT ON HOUSE, WHICH MRS. PHOLO
PROVIDED. THEY ALLEGEDLY TOLD MRS. PHOLO ".... IHAT THE SAID...
ABUDLLA HAD BEEN TO THE AMERICAN EMBASSY IN GABORONE AND
THERE HAD SIGNED AN AGREEMENT WHEREBY THE AMERICAN EMBASSY
WOULD OCCUPY THE AID HOUSE ON 1ST SEPTEMBER 1976..."

NOTE: WE BELIEVE THE HOUSE REFERRED TO IS ONE OCCUPIED BY IRO,
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WHICH DID COME UNDER EMBASSY LEASE SEPT. 1. HOWEVER, SROUR/
ABUDULLA WERE IN NO WAY CONNECTED WITH THIS LEASE AND HAD NO
CONTRACT OR AGREEMENT WITH EMBASSY CONCERNING IT. THEY
APPARENTLY USED THIS HOUSE AS THEIR ALLEGED PURCHASE SIMPLY
BECAUSE IT WOULD HAVE GREATER CREDIBILITY WITH THE BILKEE.

3. SPECIFIC CHARGE (THREE COUNTS)

ONE: CONSPIRACY TO DEFRAUD, CONTRARY TO SECTION 317 OF THE PENAL CODE (CAP. 08:01).

TWO: OBTAINING BY FALSE PRETENSES, CONTRARY TO SECTION 3 - OF THE PENAL CODE (CAP. 08:01).

THREE: INDUCING THE EXECUTION OR MAKING OF A VALUABLE SECURITY BY FALSE PRETENSES, CONTRARY TO SECTION 314 OF THE PENAL CODE C(CAP 08:01).

4. PUBLIC PROSECUTOR HOBBS INFORMED EMBASSY THEY MOST INTERESTED IN BRINGING SROUR TO BOOK, SINCE HE IS NOTORIOUS INTERNATIONAL CON MAN WHO, AFTER MAJOR FRAUDS AMOUNTING TO SEVERAL HUNDRED THOUSAND DOLLARS, HAS BEEN DECLARED PROHIBITED IMMIGRANT BY EACH OF SEVERAL AFRICAN COUNTRIES, BUT NEVER CONVICTED. GOB FEELS IT NOW HAS GOODS ON SROUR, AND NEEDS HOOPER'S TESTIMONY TO CLINCH ITS CASE.

5. REQUEST DEPARTMENT AUTHORIZE HOOPER TO WAIVE IMMUNITY SO THAT HE MAY APPEAR IN COURT TO HELP GOB PROSECUTOR IN WHAT HE CONSIDERS A MAJOR CASE. FURTHER, EMBASSY BELIEVS HOOPER'S APPEARANCE WILL HELP TO AVOID ANY POSSIBLE CONFUSION CONCERNING USG'S ROLE (TOTALLY NON-EXISTENT) IN THE FROUND.

6. PLEASE REPLY BY IMMEDIATE CABLE BEFORE COB (WASHINGTON) JAN. 13 IF POSSIBLE.
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